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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,497	02/17/2004	David Felts	ORACL-01383US1	1555
23910 7590 04/24/2009 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER				
ZHANG, SHIRLEY X				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,497

Applicant(s)

FELTS ET AL.

Examiner

SHIRLEY X. ZHANG

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-34 were previously pending;

Claims 1, 11, 18 and 25 have been amended;

Claims 1-34 are now pending;

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 29, 2008 has been entered.

Response to Amendments

2. Applicant's arguments and amendments filed on December 29, 2008 have been carefully considered. As applicant's arguments are mainly on limitations newly added to the claims, the examiner's response can be found below in the "Claim Rejections" section.

It is the Examiner's general position, after reviewing the application specification that, the invention as disclosed does not contain subject matter that substantially differentiates the present application (which was assigned to BEA Systems, Inc., now part of Oracle Corporation) from the prior art reference Patterson (U.S. 6,597,956 that was assigned to Sun Microsystems, now potentially part of Oracle Corporation) to render the present invention non-obvious.

Claim Objections

3. Claim 8 is objected to because of it recites “a third user interface,” causing confusion as to whether this user interface is the same as “a third user interface” recited in claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6, 9-13, 16-20 and 23-34** are rejected under 35 U.S.C. 103(a) as being obvious over Patterson (U.S. Patent No. 7,093,005), in view of the web article “Java Server Startup” published by BEA systems in 2000 (hereinafter “**BEA**”).

Regarding claim 1, Patterson disclosed a computer based interactive tool for configuring a domain (Fig. 3A and col. 8, line 33, “a graphic user interface tool”; col. 9, lines 33-35, “a graphical user interface editor server 128” and “an administration/management server 130”), comprising:

at least one processor and a memory space for storing instructions (Patterson, Fig. 9 and col. 40, line 52, section “8.0 Hardware Overview”);

providing a first user interface operable to configure the domain (Patterson, Fig. 3A and cols. 21-22 disclosed a main graphical user interface for configuring a virtual server farm, i.e. a domain; The user interface shown in Fig. 3A is considered a first user interface) using a domain template (Patterson, col. 9, lines 48 and 54, “a data center DNA”),

wherein configuring the domain includes configuring a database service (Patterson, col. 8, line 42 disclosed that the servers to be configured can be a Database Server) and a messaging service for the domain (Patterson, col. 21, line 1 disclosed that servers to be configured may be mail servers);

wherein the first user interface is also operable to extend the domain using an extension template (Patterson, col. 9, lines 54-67 disclosed that a data center DNA, i.e. a domain template, may define roles of servers; Examiner considers the server role definition to be equivalent to the extension template recited in the claim; col. 30, lines 28-37 further disclosed server images that are also equivalent to the extension template) and ,

wherein the first user interface includes a silent mode in which a user can configure the domain using a user-defined script that specifies the domain template to be used and customizes information in the domain template according to the user's preferences (Patterson, col. 3, lines 11-67 and col. 4, lines 1-67 disclosed using a textual representation of the logical design of a data center to configure servers and functions in the data center; the textual representation is equivalent to the user-defined script used in the silent mode as recited in the claim);

if the user has defined at least one cluster in the first user interface, then providing a second user interface operable to configure the at least one cluster including prompting the user to assign managed servers to a cluster in the domain wherein the second user interface is

displayed (Fig. 4C disclosed a second user interface for configuring a cluster of servers for load balancing, which displays a list of servers 462 that are available for being added to a load balancing group);

providing a third user interface operable to configure each computer in the domain including specifying a name for each computer and specifying node manager information for each computer (Patterson, Fig. 4A and col. 26, lines 43-49 disclosed a third user interface for configuring name and other parameters pertaining to a server);

wherein the extension template includes one or more applications, services (Patterson, col. 9, lines 54-67 disclosed a server role definition that includes hardware, operating system and associated applications of the server, therefore it is equivalent to the extension template in the claim); and

wherein the cluster belongs to the domain (Patterson, col. 10, lines 19-33 disclose that a data center may be structured to include a Web server tier, a database server tier, and an application server tier; Examiner considers a server tier as a cluster that belongs to the domain of a data center).

Patterson does not expressly disclose that the extension template includes startup/shutdown classes.

However, Patterson does disclose in col. 30, lines 35-36 that a server image could comprise an operation system, Web server, and a particular set of Web applications. It is well known that server side Web applications can be implemented using java, and Java server may

implement startup/shutdown classes. For instance, the article "Java Server Startup" published in 2000 disclosed such classes.

It would have been obvious for one of ordinary skill in the art to implement Patterson's Web applications using java and specifically implement the server startup/shutdown classes as taught by the article "Java Server Startup". Patterson's disclosure in col. 40, lines 21 and 43 of using Servlet to transfer FEML text is evidence that Java is preferred technology for implementing Web applications. Such disclosure would have motivated one skilled in the art to bring into Patterson's Web server application other features of Java including the startup/shutdown classes, with reasonable expectation of success.

Regarding claim 11, for limitations substantially the same as those found in claim 1, the rationale for rejection to claim 1 applies equally as well here.

Further limitations not recited in claim 1 (which is listed below), Patterson further disclosed

wherein the extension template is customizable (Patterson, col. 30, lines 28-37 disclosed server images that are equivalent to the extension template; according to Patterson's disclosure, server images are customizable);

wherein the domain template is customizable (Patterson, col. 8, lines 29-46 disclosed how to customize the logical design of a data center); and

wherein the domain template includes a set of configuration parameters (Patterson, col. 8, lines 29-46).

Claim 18 lists all the same elements of **claim 11**, but in machine readable storage medium form rather than method form. Therefore, the supporting rationale of the rejection to **claim 11** applies equally as well to **claim 18**.

Regarding claim 2, the combination of Patterson and BEA article disclosed the computer based interactive tool of claim 1.

Patterson further disclosed that the first user interface includes an option to select the domain template (Patterson, col. 22, line 45 disclosed that in the first user interface shown in Fig. 3A, "the open function opens a farm into the editor").

Regarding claim 3, the combination of Patterson and BEA article disclosed the computer based interactive tool of claim 1.

Patterson further disclosed that the first user interface tool includes an option to customize the domain template (Patterson, col. 21, lines 47-60 and col. 22, lines 45-55 disclosed how a data center designed can be loaded into the user interface shown in Fig. 3A and be edited).

Regarding claims 4, 12 and 19, the combination of Patterson and BEA article disclosed the subject matter of claims 1, 11 and 18, respectively.

Patterson further disclosed wherein the domain includes an administration server and a set of resources and/or services that can be managed as a unit (Patterson, Fig. 1D and col. 9, lines 36-39 disclosed "an administration/management server 130" comprising farm managers).

Regarding claim 5, the combination of Patterson and BEA article disclosed the computer based interactive tool of claim 1.

Patterson further disclosed wherein the domain template includes a set of configuration parameters (Patterson, col. 19, lines 50-62 disclose that the graphical design of a data center, i.e., the domain template, comprises a set of graphical icons representing various servers, fire walls, and other network elements, and the interconnection of the graphical icons, each of which is associated with a set of parameters).

Regarding claims 6, 13 and 20, the combination of Patterson and BEA article disclosed the subject matter of claims 5, 11 and 18, respectively.

Patterson further disclosed wherein the set of configuration parameters includes at least one of

1) an application (Patterson, col. 9, lines 55-67 disclose that a data center DNA can specify the role and associated applications of a server);

2) a server (Patterson, col. 9, lines 55-67 disclose that a data center can be defined in terms of a number of basic building blocks such as web servers and database servers, therefore the configuration parameters include a server);

3) information related to configuring a database (Patterson, col. 10, lines 21-24 disclose a two-tier configuration including a Web server tier and a database server tier. The configuration parameters of the database server tier inherently include information related to configuring a database);

4) information related to configuring a message service; and

5) information related to configuring a cluster (Patterson, col. 10, lines 21-24 disclose a two-tier configuration including a Web server tier and a database server tier; therefore the configuration parameters of a server tier is the information related to configuring a cluster).

Regarding claims 9, 16 and 23, the combination of Patterson and BEA article disclosed the subject matter of claims 1, 11 and 18, respectively.

Patterson further disclosed in Fig. 2A-2C and col. 11, section 2.0 “Customer Control Center” that the computer based interactive tool includes

an option to add, change and/or delete a managed server (Patterson, Fig. 3A);

an option to add, change and/or delete the cluster (Patterson, Fig. 3A, Fig. 4A and col. 27, lines 40-48 disclose that the computer based interactive tool includes an option to add, change and/or delete the cluster); and

an option to designate a server as part of the cluster (Patterson, Fig. 4A and col. 27, lines 49-50 disclose that the name of the servers in a tier, i.e., a cluster, is linked to the name if the tier).

Patterson does not expressly that all the options above are realized by the second user interface. Instead, these options are distributed among several Web pages of a graphical editor (Patterson, col. 19, section 3.0 “Graphical Editor”).

However, it would have been obvious to one of ordinary skill to modify Patterson as such that all the options recited in the claim are included in the second user interface, because Patterson had taught about the all the configurable options in its disclosure, and the presentation

of information relating to such options in a graphical or command-line user interface is a matter of design choice that does not affect the result of the invention.

Regarding claims 10, 17 and 24, the combination of Patterson and BEA article disclosed the subject matter of claims 1, 16 and 23, respectively.

Patterson further disclosed wherein the cluster includes a set of servers that work together to provide scalability and high availability for an application (Patterson, col. 10, lines 1-33 disclosed “a load balancing function” for a data center that may be realized using a tier of Web servers, application servers and database servers, the result of the load balancing function is to provide scalability and high availability).

Claim 25 lists substantially the same elements of **claim 11**, but in computer readable storage medium form rather than method form. Therefore, the supporting rationale of the rejection to **claim 11** applies equally as well to **claim 25**.

Regarding claims 26, 27 and 28, the combination of Patterson and BEA article disclosed the tool of claims 1, the method of claim 11 and the machine readable medium of claim 18 respectively.

Patterson further disclosed that the extension template updates the domain to include at least one additional application (see the rejection of claim 1 above for the examiner’s response).

Regarding claims 29-34, see the rejection of claim 1 above for the examiner’s response.

5. **Claims 7, 14 and 21** are rejected under 35 U.S.C. 103(a) as obvious over Patterson as applied to claims 1, 11 and 18 above, respectively, and further in view of Sommerer (“The Java Archive (JAR) File Format”, by Alan Sommerer in 1998).

Regarding claim 7, the combination of Patterson and BEA article disclosed the subject matter of claims 1, 11 and 18, respectively.

Patterson did not disclose but Sommerer disclosed that Java Archive (JAR) is a file format based on the popular ZIP file format and is used for aggregating many files into one.

Therefore, it would have been obvious for one of ordinary skill in the art to bundle files and resources contained in a domain template into a JAR file. One would have been motivated to do so for the ease of multiple file transport over the network.

6. **Claims 8, 15 and 22** are rejected under 35 U.S.C. 103(a) as obvious over Patterson and BEA article as applied to claims 1 and 11, further in view of Aziz et al.(U.S. Patent No. 6,597,956, hereinafter “Aziz”).

Regarding claim 8, the combination of Patterson and BEA article disclosed the computer based interactive tool of claim 1.

Patterson did not explicitly disclose that a fourth user interface is used to designate and/or configure an administration server.

However, Patterson disclosed in Fig. 1D and column 9, lines 36-39 that an administration server comprises one or more farm managers wherein a farm manager manages one or more

virtual server farms. Therefore, Patterson's farm manager is equivalent to the administration server recited in the claim.

Aziz further disclosed that farm managers are allocated by and assigned to one or more virtual farms by the master segment manager to establish configure and maintain virtual server farms (column 14, lines 46-49). Therefore, it is inherent in Aziz that there exists a user interface for designating and/or configuring the farm manager.

It would have been obvious for one of ordinary skill in the art to combine Patterson and Aziz so that the interactive configuration tool comprises a third user interface that is used to designate and/or configure an administration server. One would have been motivated to combine as such because the user interface gives a system administrator more control over the allocation and management of resources in the control plane.

Regarding claims 15 and 22, the combination of Patterson and BEA article disclosed the method of claim 11.

Patterson did not explicitly disclose that the computer based interactive tool includes an option to designate and/or configure an administration server.

However, Patterson disclosed in Fig. 1D and column 9, lines 36-39 that an administration server comprises one or more farm managers wherein a farm manager manages one or more virtual server farms. Therefore, Patterson's farm manager is equivalent to the administration server recited in the claim.

Aziz further disclosed that farm managers are allocated by and assigned to one or more virtual farms by the master segment manager to establish configure and maintain virtual server

farms (column 14, lines 46-49). Therefore, it is inherent in Aziz that there exists a user interface for designating and/or configuring the farm manager.

It would have been obvious for one of ordinary skill in the art to combine Patterson and Aziz so that the interactive configuration tool comprises an option to designate and/or configure an administration server. One would have been motivated to combine as such because such an option gives a system administrator more control over the allocation and management of resources in the control plane.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shirley X. Zhang/
Examiner, Art Unit 2444
4/23/2009
/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444